

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

CHARLES N. DORNFEST, individually and on  
behalf of all others similarly situated,

Plaintiff,

v.

BANK OF AMERICA CORPORATION,  
MERRILL LYNCH & CO, INC., KENNETH D.  
LEWIS, JOE L. PRICE, NEIL A.COTTY, JOHN  
A. THAIN, WILLIAM BARNET III, FRANK P.  
BRAMBLE, SR., JOHN T. COLLINS, GARY L.  
COUNTRYMAN, TOMMY R. FRANKS,  
CHARLES K. GIFFORD, MONICA C.  
LOZANO, WALTER E. MASSEY, THOMAS J.  
MAY, PATRICIA E. MITCHELL, THOMAS M  
RYAN, O. TEMPLE SLOAN, JR., MEREDITH  
R. SPANGLER, ROBERT L. TILLMAN, and  
JACKIE M. WARD,

Defendants.

Civil Action No. 10-cv-00275 (DC)

**MOTION BY CHARLES DORNFEST FOR APPOINTMENT OF LEAD  
PLAINTIFF AND APPROVAL OF SELECTION OF LEAD COUNSEL**

**TO: ALL PARTIES AND THEIR COUNSEL OF RECORD**

**PLEASE TAKE NOTICE** that proposed lead plaintiff Charles Dornfest will and hereby does move this Court, before the Honorable Denny Chin, United States District Judge for the Southern District of New York, in Courtroom 11A, Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, New York, on a date and at a time designated by the Court, for an Order (1) appointing Charles Dornfest as lead plaintiff pursuant to the Private Securities Litigation Reform Act of 1995, 15 U.S.C. §78u-4 for a class of Bank of America option investors; and (2) approving Charles

Dornfest's selection of Bragar Wexler Egel & Squire, P.C., as lead counsel for that class.

In support of this motion, Charles Dornfest submits the accompanying Memorandum of Law and the Declaration of Raymond A. Bragar.

Dated: March 15, 2010  
New York, NY

BRAGAR WEXLER EAGEL  
& SQUIRE, P.C.

By: /s/ Jeffrey H. Squire  
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